

31 Remining

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Brief Explanation

SUBJECT:	Remining
DATE:	

See the NPDES Permitting Handbook for further details such as permitting requirements, procedures and policies.

- Statutory authority Subsection 301(p) of the federal Clean Water Act (33 U.S.C. Section 1311(p)).
- Statutory authority Chapter 22B, Article 3, Section 4c of the State Code of West Virginia.
- Regulatory authority Title 47, Series 30, WVNPDES Rules for Coal Mining Facilities.
- Regulatory authority Title 46, Series 6, Section 6, variances from Numeric Water Quality Standards for Remining Activities.
- WV DEP Policy dated September 29, 1993, Compliance Limits for Water Quality on Remining Operations.

The development of modified effluent limits for an NPDES remining permit is derived through a Best Professional Judgement (BPJ) methodology developed by the State and subject to review by the U. S. Environmental Protection Agency (EPA). These BPJ limits are based on a combination of factors including the collection and analysis of baseline water quality premining discharges over a period of at least twelve (12) months. It is advantageous to sample premining discharges for longer periods because the larger number of samples will more accurately reflect seasonal variability.

In no event can the BPJ limits exceed the load levels of pH, iron, and manganese which existed prior to the remining operation covered by the NPDES remining permit. The BPJ limits will generally be less stringent than the technology-based limits set forth in federal EPA regulations at 40 CFR Part 434. Also, these BPJ limits apply only to the portion of the operation which involves remining.

The Environmental Quality Board may grant a specific variance for remined areas of coal remining operations from standards of water quality set forth in Title 46, Series 1, setting standards for iron, manganese, or pH prior to the issuance of Coal Mining NPDES Permit.